

EXHIBIT A



August 14, 2020

Sent by Email

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Re: Revised Proposal for Binding Arbitration Services (Alternative Dispute Resolution Procedures)

Dear Counsel,

Thank you for your consideration of JAMS to provide arbitration services for your clients and the claimants in this matter. After evaluating this proposal in detail, our hope is that counsel and the Official Committee of Unsecured Creditors will see that JAMS is the right choice for this program.

Additionally, please note that we appreciate the efforts by counsel to provide information concerning the claims that the chosen arbitration provider would resolve. After consulting with members of our bankruptcy panel, however, JAMS is not able to offer per-case flat fees because the time requirements of each arbitration will be discernable only when the details of each claim are known. Given the experience of the JAMS panel in claims litigation, however, we expect that our arbitrators will spend less time on these claims than would other providers without such backgrounds.

As you will see, JAMS is proposing flat hourly rates devoid of any fees. This pricing model will result in lower costs for smaller matters compared to our prior proposals.

Below please find a brief description of our company background and qualifications, followed by some specific information on how we can assist. In that regard, please know JAMS is committed to being flexible in order to best serve the needs of the parties in this process.



About JAMS

JAMS is the largest private alternative dispute resolution (ADR) provider in the world, currently in our 41st year of resolving disputes of all types.

JAMS remains on the forefront of ADR thought leadership, in large part because of our senior management team. Several of our executives serve on ADR-related boards to lend vision to the industry. Sharing the virtues of ADR is also the goal of The JAMS Foundation, funded entirely by generous contributions from JAMS neutrals, senior management, and associates. The Foundation provides grants for conflict resolution initiatives with national and international impact, and has provided millions of dollars in funding since its inception—more than any other organization of its type.

Please find the JAMS General Brochure with more information for your review in *Exhibit A*.

The JAMS Panel

Our panel of greater than 400 neutrals (mediators, arbitrators, and special masters) includes more retired United States Bankruptcy Judges, United States District Judges and United States Magistrate Judges than any other ADR provider. Their familiarity with the claims litigation process—including management and expedient resolution of large numbers of matters—brings unmatched experiential value to the matters on which they work. Our highly-regarded Bankruptcy Panel is notably diverse in its experience and background; more information about this panel and our extended Federal Panel is included in *Exhibit B*. Our panel of neutrals also includes esteemed former state court judges and attorneys with notable track records and experience in bankruptcy matters

JAMS recruiting processes are very strict, and only vetted and experienced candidates are asked to join the panel. The capabilities of our neutrals are bolstered by a longstanding, comprehensive, and mandatory ongoing training curriculum administered by the JAMS Institute. JAMS neutrals are supported by highly trained case management professionals who are lauded for their unmatched client service skills.

Large-scale ADR Expertise

JAMS brings significant experience and success administering ADR programs involving numerous claimants that are managed in accordance with special rules, procedures, and protocols. For example, JAMS:

- Currently administers tens of thousands of mass arbitrations arising from alleged wage and hour violations by high-profile technology and food service companies;
- Presently administers a large program for a major financial institution and its customers which has resulted in thousands of telephonic mediation sessions;
- Created numerous specialized facilities for handling mass claims arising out of disasters, including:



- Administration of a program with an agency of the United States Federal Government to oversee hearings between that agency and those it serves; this program resulted in thousands of individual telephonic sessions and written recommendations;
- Allocation of an \$80 million settlement to over 13,000 claimants in an oil refinery litigation;
- Adjudicated the largest civil rights settlements in U.S. history involving tens of thousands of claims
- Resolved numerous claims arising from data breaches and other “single event” instances yielding large numbers of telephonic and paper arbitrations; and
- Allocated billions of dollars to thousands of claimants in landmark mass tort settlements.

JAMS typically relies upon the administrative excellence of our 230+ employees to accommodate substantial case surges. Where appropriate, JAMS is also accustomed to coordinating and utilizing the assistance of third parties, such as claims administration firms, to accommodate additional volumes of work under specific circumstances.

Award-winning Service

JAMS draws accolades consistently from the legal and business industries, as evidenced from awards bestowed in the last several years alone. Please see *Exhibit E* for details.

JAMS’ Role; Underlying Dispute

We understand our role would consist of administering a program to arbitrate claims arising out of the Title III cases of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, the Puerto Rico Electric Power Authority, and the Puerto Rico Public Buildings Authority (collectively, the “Debtors”). Details concerning the required arbitration process and other alternative dispute resolution procedures are contained in the Order dated April 1, 2020 entered by the Hon. Laura Taylor Swain, United States District Judge, authorizing alternative dispute resolution procedures detailed in an accompanying exhibit (“Order”).

JAMS’ Role; Program Specifics

Based on our current understanding of the needs of the arbitration program for these cases, we restate and propose that the program have the following characteristics:

Case type

This program will consist of arbitrations only.



Quantity and Duration

It is JAMS' understanding that there could be thousands of arbitrations resulting from the procedures established by the Order. Once identified by the Debtors, in order to ramp-up appropriately JAMS welcomes the opportunity to learn more about the pace at which eligible claims would be forwarded to JAMS for commencement. In any event, JAMS is able to mobilize quickly based on the needs of the program

Language

As described below and contained in *Exhibit D* JAMS has identified a panel of qualified, experienced arbitrators who are fluent in Spanish.

JAMS expects that for convenience and cost reasons parties may be interested in having the option of either Spanish-speaking (bilingual) or English-speaking arbitrators. JAMS arbitrators are all English speakers, and having a larger panel of arbitrators available would allow for a more expedient and lower-cost resolution process.

Hearing Format

Based on the Order and communication with Debtors' counsel, JAMS understands that arbitration hearings will take place in-person (in Puerto Rico) and by videoconference.

JAMS welcomes a discussion with counsel about how cases might be categorized by objective factors, such as amount in controversy, claimant access to technology, or the Debtors' (or others') assignment of priority to claimants, in order to determine whether certain matters should necessitate in-person hearings especially in light of COVID-19 concerns and impact.

In-person—JAMS and Debtors' counsel discussed that the Debtors would likely provide hearing facilities in Puerto Rico. Should this become untenable, JAMS can attempt to procure hearing locations at cost.

Further, JAMS would like to discuss with counsel the desirability of a "triage" approach to hearings occurring in Puerto Rico. In order to facilitate efficient resolution of claims, Arbitrators would be willing to stay in Puerto Rico for extended lengths of time in order to maximize the numbers of matters that could be heard in-person and to minimize travel expenses for the parties. JAMS could institute a rotation of arbitrators for sustained on-site presence in Puerto Rico.

Subject to capacity limitations, JAMS offers the use of its nationwide facilities at no cost for these hearings should it makes sense for the parties.

Videoconference—JAMS neutrals have conducted thousands of hearings where all or some parties are located remotely.* JAMS utilizes two primary platforms for video-based sessions,



CourtCall and Zoom. Costs associated with these technologies, if any, would be shared by the parties pursuant to the Order. More information about JAMS online capabilities is available at <https://www.jamsadr.com/online> or can be provided upon request.

*Please note that in the advent of coronavirus and COVID-19-related office closures and travel restrictions, JAMS and its clients have further embraced the use of videoconferencing tools to resolve disputes. JAMS neutrals are adept at managing the resolution process whether they are conducting an in-person or virtual hearing. Additionally, JAMS neutrals and administrators receive ongoing training in the latest videoconferencing technology and best practices.

Prehearing matters will take place by telephone and by email per the Order.

Award Considerations

Given our large-scale program experience, JAMS understands that consistency in alternative dispute resolution programs is paramount. For this reason, one consideration that JAMS and counsel could discuss is the implementation of an award template for all program decisions. Another possibility could be the use of a bilingual law clerk to perform quality assurance review prior to the issuance of awards.

Point of Contact (POC) and Arbitration Procedures

A dedicated JAMS POC will be appointed to streamline all administrative elements of the program, and will have experience administering similar ADR programs and managing a team of support personnel. The POC, or members of the POC's team, will be bilingual (English and Spanish). Given the procedures outlined in the Order, we envision the JAMS POC will work with primary contacts assigned by the Debtors and Designated Claimants once Arbitration Notices are served.

The JAMS POC and support personnel will follow the additional procedures outlined in the Order such as appointment of arbitrators, scheduling, and the like.

Panel

JAMS will establish a panel of arbitrators with relevant experience for this program. As noted above, the panel may consist of Spanish-speaking arbitrators and English-speaking arbitrators.

In addition to the bankruptcy experts described above and listed in *Exhibit B*, please see *Exhibit D* for a sample list of Spanish-speaking arbitrators who are interested in serving this program along with their concise biographical information.

Please note that JAMS arbitrators are almost exclusively professionals who are retired judges or lawyers who have left the practice of law, or on rare occasions are transitioning out of practice and into fulltime ADR work. Thus, JAMS arbitrators are generally free from the network of conflicts faced by practitioners attached to law firms and other ADR providers, for example.



Pricing

JAMS will waive customary Filing Fees and Case Management Fees for claims under this program, and offers the following rate structure for your consideration. The tiered rate structure, based on hours spent on each matter, is designed to correlate with case complexity more fairly than other objective criteria (e.g., case type, claim amount, etc.).

Tiered Rates

Rate for the initial 10 hours* \$525 per hour

Rate for time in excess of 10 hours and up to 20 hours* \$625 per hour

Rate for time in excess of 20 hours..... \$725 per hour

Billing is entered at the close of each day for each arbitration.

* Once the time threshold of a tier is met on an individual arbitration, any additional time billed for services on that matter on the same day will be billed at the rate in effect earlier that day. Subsequent hours billed on a following day will be billed at the next higher rate tier. For example: if an arbitrator bills 9 hours at \$525 per hour for an initial review of the file and an initial conference call, and then bills an additional 4 hours reviewing briefs over one day, those 4 hours would also be billed at the \$525 per hour rate.

In its discretion JAMS and its arbitrators may offer reduced rates or pro bono services under certain circumstances, such as in matters involving unrepresented claimants and certain civil rights claims. JAMS welcomes further discussion regarding reduced rates once claim details are known.

Expenses incurred by JAMS associated with travel, videoconferencing, interpretation and translation shall be split by the parties at cost. Physical hearing facilities in Puerto Rico, to include work space to be used by the arbitrators outside of sessions, to be provided by the Debtors per discussions with Debtors' counsel.

Based on available information, JAMS does not believe that a Puerto Rico-based JAMS administrative resource would be necessary to serve this program. Should such a resource be requested of JAMS or be made necessary by circumstances unknown to JAMS at this time, such costs should be split between the parties to an arbitration or otherwise be reimbursed by the Debtors.

JAMS arbitrators may use law clerks to reduce costs to the parties and to expedite the resolution process. The parties will be informed at the onset of an engagement if the neutral plans to use a clerk. Expenses related to the use of clerks will not be billed to the parties.



Payment

The parties and their attorneys agree to pay JAMS for arbitrations as set forth in the policies described below. JAMS' agreement to render services is jointly with the party and attorney or other representative of the party in arbitration.

Unless otherwise agreed by JAMS, the parties agree that they are liable for and agree to pay their portion of JAMS' rates and expenses and for all time spent by the arbitrator, including any time spent in rendering services before or after the arbitration hearing. Parties are billed a preliminary retainer of \$4,350 per party to cover the expense of pre-hearing work, including conference calls. Payment of the preliminary retainer is required prior to scheduling a preliminary arbitration management conference with the arbitrator. Additional retainers will be billed should existing amounts on file be deemed insufficient to cover the cost of the arbitration through finality. Unused amounts will be refunded.

The parties agree to pay all invoices received prior to the hearing in advance of the arbitration hearing. If such payments have not been made prior to the arbitration hearing, the party or parties who have not paid remain liable for such payments. The parties agree that JAMS may cancel an arbitration hearing and will not deliver the arbitrator's decision to any party without full payment of all invoices. Refunds will be issued to the individual or entity that was billed, regardless of payor(s). For payments remitted via e-check, credit card, or ACH, refunds will be issued to the credit card or bank account that was used to make the payment.

Cancellation/Continuance Policy

Cancellations or continuances occurring 14 days or more prior to hearing are 100% refundable, except for time incurred.

Cancellations or continuances occurring less than 14 days prior to hearing will result in a cancellation fee of \$3,000 unless the arbitrator's time can be rescheduled with another matter. The cancellation policy exists because time reserved and later cancelled generally cannot be replaced. In all cases involving non-refundable time, the cancelling or continuing party is responsible for the fees of all parties.

Other payment terms may apply after further discussions with counsel. *Additionally, if counsel have different thoughts about a pricing structure or payment terms that better suit this program, please know that JAMS will try to accommodate such requests.*



We sincerely appreciate the opportunity to assist with this program. Please do not hesitate to contact me for more information or with any questions or concerns.

Best Regards,

A handwritten signature in blue ink, appearing to be "JP", written over a light blue horizontal line.

John T. Pardun, Esq.
National Business Development Director
JAMS
5 Park Plaza, Suite 400
Irvine, California 92614
714-937-8255
jpardun@jamsadr.com

Exhibits attached



Exhibit A: Brochure

Local Solutions. Global Reach.™

Founded in 1979, JAMS is the world's largest private alternative dispute resolution (ADR) provider. Our panel includes more than 400 retired state and federal court judges and attorneys with proven track records and extensive practice area and industry expertise. JAMS neutrals and clients are supported by more than 200 associates, including ADR systems design experts and case managers with decades of experience.

We handle an average of 15,000 cases annually, ranging from two-party personal injury mediations to complex, multi-party, multi-million-dollar arbitrations in the United States and other jurisdictions worldwide.

**JAMS doesn't
just resolve disputes—
we solve problems.**

JAMS successfully resolves and manages business and legal disputes by providing efficient, cost-effective and impartial ways of overcoming barriers at any stage of conflict. JAMS offers customized dispute resolution services locally and globally through a combination of industry-specific experience, first-class client service, top-notch facilities and highly trained panelists.

JAMS also serves as an international arbitration institution to leading law firms and global corporations

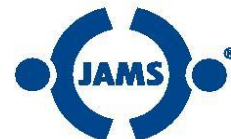
and as a provider of international arbitrators to other arbitral bodies. JAMS arbitrators work with our own

International Arbitration Rules as well as the rules of any major institution.

Our global capabilities include JAMS International Arbitration Centers in California and New York. These state-of-the-art venues offer flexible hearing spaces, translation booths and the latest in technology.

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Our comprehensive ADR menu includes:

- **Arbitration options** allowing the parties to define the process best suited to resolve their dispute, including customized rules, discovery protocols, an appeal procedure and other efficiencies
- **Facilitative and evaluative mediation processes** with rigorously prepared neutrals committed to achieving creative, collaborative results
- **Neutral analysis**, including evaluations and mock exercises that allow attorneys to reassess risk and refine their strategies
- **Sample ADR contract clauses** that stipulate to mediation or arbitration in advance of a dispute and can be tailored to include custom content like the **JAMS Diversity and Inclusion** arbitration clause



We also offer custom ADR services targeted to specific markets and industries:

- **ADR Strategies for In-House Counsel** that help minimize legal costs, preserve critical relationships and keep important projects on track
- **JAMS Solutions™ for Higher Education**, including external, neutral adjudication of Title IX matters and offerings that address problems faced by students, faculty and administration
- **Practice groups** focused on resolving disputes involving emerging technology, such as **eSports, life sciences, smart contracts and blockchain** and **cybersecurity and privacy**, among others

NORTH AMERICA

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Boca Raton, FL
Boston, MA
Century City, CA
Chicago, IL

Dallas, TX
Denver, CO
Detroit, MI
Inland Empire, CA
Las Vegas, NV
Los Angeles, CA

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Minneapolis, MN
New York, NY
Orange County, CA
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Exhibit B: JAMS Retired United States
Bankruptcy Judges and Experts



Hon. Charles N. Clevert, Jr.
(Ret.)

Biography

Hon. Charles N. Clevert, Jr. (Ret.) joins JAMS after nearly 40 years of distinguished service on the federal bench in the Eastern District of Wisconsin. While on the bench, Judge Clevert presided over a wide variety of complex litigation matters, including civil rights and discrimination cases, contract disputes, ERISA litigation, wrongful termination, sexual harassment and retaliation, torts, product liability, securities fraud and Chapter 11 business reorganizations.

Appointed at age 30, Judge Clevert became the youngest federal bankruptcy judge in the nation and Wisconsin's first African American federal judge. He went on to serve for over 20 years on the U.S. District Court for the Eastern District of Wisconsin, including three years as Chief Judge of that court.

ADR Experience and Qualifications

Clevert has extensive experience in the resolution of complex disputes in the following areas:

- Bankruptcy
- Business/Commercial
- Civil Rights
- Employment
- Personal Injury / Torts
- Securities

Representative Matters

- **Bankruptcy**
 - Matter of Milwaukee Cheese Co., Inc., 128 B.R. 538 (1991)



- **Business/Commercial**
 - *Schwartz Pharma, Inc. v. Breckenridge Pharmaceutical, Inc.*, 388 F.Supp.2d 967 (2005)
- **Civil Rights**
 - *Fields v. Smith*, 653 F.3d 550 (2011)
- **Employment**
 - *Samaritan Health Center v. Simplicity Health Care Plan*, 516 F.Supp. 1195 (1997)
- **Personal Injury / Torts**
 - *Briggs & Stratton Corp. v. National Catholic Reporter Pub. Co.*, 978 F.Supp. 1195 (1997)
- **Securities**
 - *In re Harley-Davidson, Inc. Securities Litigation*, 660 F.Supp.2d 969 (2009)

Honors, Memberships, and Professional Activities

- **Admissions**
 - Wisconsin Supreme Court
 - U.S. District Court for the Eastern District of Wisconsin
 - U.S. Court of Appeals for the Seventh Circuit
- **Past and Present Professional Memberships**
 - Wisconsin Bar Association
 - Milwaukee Bar Association
 - Wisconsin Association of Minority Attorneys
 - Seventh Circuit Bar Association
 - National Bar Association, Judicial Council
 - American Bar Association
 - Past Member, House of Delegates, 2008–2017
 - Member, Commission on the American Jury
 - Past Member, Executive Committee, National Conference of Federal Trial Judges, 1992–2017
 - Member, Board of Directors, Justice at Stake
- **Past and Present Board Memberships**
 - Thomas E. Fairchild American Inn of Court, Co-Founder; President 1993–1994
 - Past President, National Conference of Bankruptcy Judges
 - National Conference of Federal Trial Judges
 - American Bankruptcy Institute
 - American Judicature Society
 - Local Education Agency, Inc.
 - Financial and Debt Counseling Service
 - Milwaukee Council on Alcoholism and Drug Dependency, f/k/a Milwaukee Council on Alcoholism
 - Anvil Housing Corporation
 - Milwaukee Forum
 - Paralegal Advisory Board, Milwaukee Area Technical College
- **Committees and Other Professional Activities**
 - Committee on the Budget, Judicial Conference of the United States
 - Commission on the Delivery of Legal Services, Wisconsin State Bar
 - Federal Judicial Center Lecturer
 - Endowment for Education, National Conference of Bankruptcy Judges; Chair, 1992–1993
 - Bankruptcy Judges Advisory Committee, Administrative Office of U.S. Courts
 - Lecturer, General Practice, Debtor/Creditor Law, University of Wisconsin Law School
- **Speaker/Panelist (Representative List)**
 - National Bar Association
 - Commercial Law League
 - American Bar Association, Business Bankruptcy
 - Western District of Wisconsin Bankruptcy Bar
 - American Bankruptcy Institute
 - National Conference of Bankruptcy Judges
 - Lecturer, University of Wisconsin Law School
 - West Texas Bar Association
 - Eastern District of Wisconsin Bar Association
- **Present and Past Community Activities and Memberships**
 - Men of Tomorrow, Inc., Youth Mentor
 - Milwaukee Urban League



- Inner City Arts Council
- Glendale River Hills School District Organization Committee
- Milwaukee Kickers, Team Manager/Coach
- Nicolet High School Boosters Club
- Nicolet High School Black Parents Group
- Hands Across the Campus Human Relations Group
- Salvation Army Volunteers in Probation
- Milwaukee Club Frontiers International
- Blood Center of Wisconsin
- **Selected Honors and Awards**
 - Fellow, American Bar Foundation
 - Fellow, Wisconsin Law Foundation
 - Honoree, Milwaukee Times Black Excellence Award
 - Distinguished Alumnus, Davis & Elkins College
 - Fellow, American College of Bankruptcy
 - Myron L. Gordon Lifetime Achievement Award and Nathan A. Fishbach Founders Award, Eastern District of Wisconsin Bar Association

Background and Education

- United States District Judge, Eastern District of Wisconsin, 1996–2017
 - Chief Judge, 2009–2012
- United States Bankruptcy Judge, Eastern District of Wisconsin, 1977–1996
 - Chief Judge, 1986–1996
- Assistant United States Attorney, Eastern District of Wisconsin, 1975–1977
- Special Assistant United States Attorney, Northern District of Illinois, 1977
- Assistant District Attorney, Milwaukee County, Wisconsin, 1972–1975
- Law Clerk, Law Enforcement Assistance Administration, Washington, DC, 1972
- Georgetown University Law Center, J.D., 1972
- Davis & Elkins College, Elkins, West Virginia; B.A., History and Political Science, 1969

Available nationwide ›

Disclaimer

This page is for general information purposes. JAMS makes no representations or warranties regarding its accuracy or completeness. Interested persons should conduct their own research regarding information on this website before deciding to use JAMS, including investigation and research of JAMS neutrals. See More



Hon. David H. Coar (Ret.)

Biography

Hon. David H. Coar (Ret.) joined JAMS in 2011 after 16 years as a United States District Judge for the Northern District of Illinois and 8 years as a United States Bankruptcy Judge. From 1979 to 1982, he served as the first United States Bankruptcy Trustee in the Northern District of Illinois.

Judge Coar's mediation practice focuses on complex bankruptcy and commercial disputes.

Representative Matters

- Selected as the pre-filing mediator in Chapter 9 bankruptcy for the town of Mammoth Lakes, Calif. Successfully negotiated settlements of claims of vendors, contractors and union and management employees
- Presided over the first large (and most successful) asbestos bankruptcy case resulting in a consensual plan that has served as a model for subsequent cases. Claims totaling more than \$92 billion were resolved. More than 90 percent of the stock of the reorganized company was issued to a trust for asbestos injury claimants. Complicated (and at the time, unresolved) issues of future claims, corporate governance, and liability of the trust were successfully navigated
- Successfully settled a \$30 million avoidance action in a bankruptcy case involving a foreign creditor of a debtor
- Mediated an adversary action alleging auditing malpractice
- Successfully settled commercial dispute under shareholder's agreement involving claims against departing shareholders for alleged breach of the agreement, misappropriation of trade secrets, confidential information and violations of computer fraud and abuse statutes, with counterclaims by departing shareholders for amounts allegedly due for buy-outs and other payments under the agreement



- Mediated avoidance action wherein the trustee was seeking to avoid and recover approximately \$1.85 million in allegedly fraudulent and/or preferential transfers made to a creditor during the year leading up to the debtors' bankruptcy filing
- Served as a neutral evaluator in several bankruptcy cases involving novel claims against creditors

Honors, Memberships, and Professional Activities

- Member, *Chartered Institute of Arbitrators*
- *Best Lawyers in America*, 2014
- Member, Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, 2007-2010
- Member, Information Technology Committee, Judicial Conference of the United States, 1999-2005 (served as chair of the budget subcommittee)
- Visiting Committee, University of Chicago Law School, 1998-2000
- Conferee, Emeritus, National Bankruptcy Conference
- Member, American Bankruptcy Institute
- Member, American College of Bankruptcy
- Past board member, Federal Judges Association
- Past board member, National Conference of Bankruptcy Judges
- Served on the editorial board of the *American Bankruptcy Law Journal*
- Speaker on topics ranging from bankruptcy, intellectual property, sentencing, employment discrimination, and the use of technology in the courts
- Law360's Minority Powerbrokers Q&A series with Judge David Coar, December 3, 2014

Background and Education

- Judge, United States District Court, Northern District of Illinois, 1994-2010
- Judge, United States Bankruptcy Court, Northern District of Illinois, 1986-1994
- Visiting Professor of Law, Marshall-Wythe Law School, College of William and Mary, 1985
- Associate Dean and Associate Professor of Law, DePaul University College of Law, 1974-1979 and 1982-1994
- United States Trustee, United States District Court for the Northern District of Illinois, 1979-1982
- Private law practice, Mobile and Birmingham, AL, 1971-1974
- Carnegie Foundation Intern, NAACP Legal Defense and Education Fund, Inc., 1970-1971
- LL.M., Harvard Law School, 1970
- J.D., Loyola University Law School, 1969
- B.A., Syracuse University, 1964
- United States Marine Corps Reserves, 1965-1971
- Sergeant, United States Marine Corps, 1965

General Biography

Available nationwide ›

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Hon. Joan N. Feeney (Ret.)

Biography

Hon. Joan N. Feeney (Ret.) joins JAMS following almost 27 years on the bench of the United States Bankruptcy Court for the District of Massachusetts and 23 years as a member of the United States Bankruptcy Appellate Panel for the First Circuit. Judge Feeney presided over a full range of cases, including complex commercial cases with multiple parties and conflicting interests. While on the bench, she wrote over 500 opinions in many different areas of the law.

Judge Feeney earned a reputation from the start of her career for being a supremely capable lawyer who always treated everyone with the utmost respect and civility. She has an incomparable ability to distill even the most complex case down to its essence, while still minding the details.

Impartial, compassionate, candid, fair-minded, tireless and a brilliant jurist are words that counsel have used to describe Judge Feeney. Her people skills are unparalleled, and she is able to offer compelling solutions to individuals with differing personalities.

ADR Experience and Qualifications

- Mediated and settled cases in a wide variety of matters, including bankruptcy, business/commercial, professional fee disputes, fraudulent transfer actions, closely held business disputes and business divorces, professional liability and real property matters
- Handled hundreds of bench trials requiring oral and written decisions, and handled over 100 bankruptcy appeals in all aspects of bankruptcy law and procedure
- Experience as liquidation and reorganization trustee
- Available to resolve disputes remotely through a number of videoconferencing options



Representative Matters

Accounting/Finance

- mortgage and borrower relationships
- defective mortgages
- mortgage reformation

Bankruptcy

- bankruptcy jurisdiction, standing and eligibility
- compensation of professionals
- contested confirmation of plans of reorganization, including feasibility and liquidation analysis
- valuation of security, businesses and commercial and residential real estate
- automatic stay scope, exceptions and relief from stay
- single-asset real estate cases
- denial of discharge; exceptions to discharge for fraud, willful and malicious injury and other grounds
- estate's avoiding powers
- fraudulent transfers and defenses; preferential transfers and defenses
- equitable subordination
- recharacterization of debt to equity
- substantive consolidation
- involuntary petitions
- nonprofit and church bankruptcies
- assumption and assignment of leases and executory contracts, including intellectual property licenses

Business/Commercial

- alter ego and veil piercing of corporate and trust entities
- contract interpretation
- fraudulent transfers
- fraud and injury to property
- breach of fiduciary duties and defalcation
- directors' and officers' liability and related insurance coverage disputes
- Uniform Commercial Code Article 9 perfection of security interests
- receiverships and negligence of receivers
- unfair acts and deceptive practices
- subordination agreements
- successor liability
- debt collection; Fair Debt Collection Practices Act
- construction contract disputes

Family Law

- property division
- alimony and support



Professional Liability

- attorneys' fees disputes
- legal ethics
- attorney malpractice

Real Property

- title disputes
- lease and purchase and sale agreement interpretation
- priority of lien disputes
- evictions
- improper foreclosures
- predatory lending
- real estate and personal property tax liens
- rights of first refusal
- homestead exemptions

Honors, Memberships, and Professional Activities

Memberships and Affiliations

- Vice President; Member, Board of Directors; American College of Bankruptcy; 2016–present
- President, National Conference of Bankruptcy Judges, 2011–2012 (member since 1992 and various committee positions)
- Founding Co-Chair, M. Ellen Carpenter Financial Literacy Program, Boston Bar Association, 2004–present
- Member, Bankruptcy Section, Boston Bar Association, 1978–present
- Member, International Judicial Relations Committee, Judicial Conference of the United States, 2006–2012
- Member, Administrative Office Budget and Finance Advisory Council, 2005–2006
- Member, Administrative Office Bankruptcy Judges Advisory Group, 2003–2007
- Judicial Chair, Northeast Conference, American Bankruptcy Institute, 2002–2005)
- Member, Board of Directors, American Bankruptcy Institute, 2005–2010

Honors

- Recipient of the American Inns of Court Bankruptcy Distinguished Service Award, 2019
- Excellence in Education Award, National Conference of Bankruptcy Judges, 2018
- Charles P. Normandin Lifetime Achievement Award, Boston Bar Association, 2018
- Haskell Cohn Award for Distinguished Judicial Service, Boston Bar Association, 2005
- Alumni Achievement Award, Suffolk University Law School, 1993
- Fellow, American College of Bankruptcy, 2005

Publications

- Co-Author, *Bankruptcy Law Manual*, Thomson Reuters West 2006
- Co-Author, *The Road Out of Debt*, John J. Wiley & Sons, 2010
- Author, Chapter 11: Theory and Practice; Co-Author, Chapter 9: Property of the Estate; *A Guide to Reorganization* 1994
- Associate Editor, 2014–2016; Business Manager, 2016–2018; *The American Bankruptcy Law Journal*

Background and Education



- United States Bankruptcy Judge, District of Massachusetts, 1992–2019
 - Chief Judge, 2002–2006
- United States Bankruptcy Appellate Panel for the First Circuit, 1996–2019
 - Chief Judge, 2015–2019
- Associate and Partner; Hanify & King, P.C.; Boston 1986–1992
- Law Clerk, Hon. James N. Gabriel, U.S. Bankruptcy Court, D. Mass., 1982–1986
- Associate, Feeney & Freeley, Boston 1979–1982
- J.D., Suffolk University Law School, 1978
- B.A., with Distinction in the major fields of French and government, Connecticut College, 1975

Available nationwide ›

Disclaimer

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David G. Heiman, Esq.

Biography

Mr. Heiman is available to conduct virtual mediations, arbitrations and other ADR proceedings on Zoom and other online platforms.

David G. Heiman, Esq. joins JAMS after more than 35 years of advising clients in business bankruptcy and restructuring. Mr. Heiman founded Jones Day's business restructuring practice in 1984 and has played a key role in many of the largest business bankruptcy and out-of-court restructurings in the United States. His practice included representations of debtors, lenders, creditors and distressed assets purchasers. He also has had extensive experience in a wide array of commercial, financial and lending matters and disputes. He most recently led the City of Detroit chapter 9 bankruptcy case, the largest municipal bankruptcy in U.S. history.

Mr. Heiman is a past chair of the American College of Bankruptcy and has held leadership positions in a number of professional, community and charitable organizations.

ADR Experience and Qualifications

Over almost four decades, Mr. Heiman has developed a track record of successful results through consensus-building in multi-party disputes. Even though most of his engagements have involved hotly contested disputes, he has been able to employ paths of communication that established common ground between opposing parties and generated favorable negotiated settlements.

Specifically, Mr. Heiman has been a mediation party or a mediation professional in some of the largest business restructuring disputes in the U.S.:



- As lead counsel for the City of Detroit in its chapter 9 bankruptcy case, he engaged in mediation efforts with dozens of parties for 16 months on six concurrent but separate mediation fronts, with the result that Detroit emerged from its bankruptcy under a consensual Plan of Arrangement in just over a year and a half.
- Following his representation of Federated Department Stores in its chapter 11 reorganization (then the largest retail bankruptcy in history), he led Federated in its multi-party mediation of disputes arising from Federated's hostile takeover of R.H. Macy via a Federated-sponsored plan of reorganization.
- He also led USG Corporation's mediation of more than 300,000 asbestos claims aggregating more than \$10 billion, with a settlement ultimately achieved via a consensual plan of reorganization.
- He served as a mediation professional with the Hon. Daniel Weinstein (JAMS) in multi-billion-dollar fraudulent conveyance claims asserted by junior creditors of Adelphia Corporation against hundreds of senior financial institutions. Those claims ultimately were dismissed by a U.S. district court (SDNY).
- He represented the Board of Directors of the Tribune Companies in Tribune's mediation following a court-appointed examiner's report finding billions of dollars of colorable fraudulent conveyance claims against senior financial creditors.
- As counsel to Dana Corporation, he mediated to settlement a dispute involving an automobile parts supply contract valued at hundreds of millions of dollars.

Representative Matters

Mr. Heiman's significant representations include:

- Lead Counsel for the City of Detroit in its 2013 municipal bankruptcy action
- Lead counsel for Chrysler LLC in its chapter 11 restructuring and ultimate sale to Fiat
- Advised Lehman Brothers in its litigation against Barclays Capital, Inc. in an attempt to invalidate its sale to Barclays
- Other representative chapter 11 and out-of-court debtor representations:
 - Allied Stores/Federated Department Stores (also as acquirer of R.H. Macy)
 - Alpha Natural Resources
 - NII Holdings (Sprint spin-off)
 - Boscov's Department Stores
 - Burlington Industries
 - Cardinal Industries
 - Child World
 - Chrysler LLC
 - Imperial Home Decor Group
 - Kendavis Industries
 - LTV Steel
 - Oglebay Norton
 - Pillowtex
 - RadioShack
 - Tribune Companies
 - USG Corporation
 - White Motor
- He represented lenders in the Carmike Cinemas, Olympia & York, and Phar-Mor restructurings and creditors in the Allegheny Health, Education and Research Foundation, Home Place, and Paragon Trade Brands restructurings.
- He has advised acquirers of distressed assets, including Federated Department Stores' acquisition of R.H. Macy, American Greetings and WL Ross & Co., in the American Home Mortgage, Bethlehem Steel, Collins & Aikman and Horizon National Resources matters.

Honors, Memberships, and Professional Activities



- American College of Bankruptcy (past director, president and chair)
- *The American Lawyer* 2015 Dealmaker of the Year
- Law360's 2014 MVP Award
- *Chambers USA* ("Star" above Band 1)
- Turnarounds & Workouts "Outstanding Restructuring Lawyer"
- K&A Restructuring Register: America's Top 100
- Lawdragon 500 Leading Lawyers in America
- *Best Lawyers in America* (30-plus years, since inception)
- BTI Client Service All-Star
- 2010 University of Cincinnati Alumni Master Award
- Leadership positions in numerous charitable organizations, including Vice Chair, Hôpital Albert Schweitzer (Haiti); Jewish Federation of Cleveland; Neighborhood Centers Association; and Playhouse Square Foundation

Background and Education

- Partner, Jones Day, 1984–2017
- Hahn Loeser, 1970–1984 (Partner, 1978–1984)
- J.D., University of Cincinnati College of Law, 1970
 - Order of the Coif
 - Articles editor, Law Review
- B.B.A. (Accounting), University of Cincinnati, 1967

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Hon. Randall J. Newsome
(Ret.)

Biography

Hon. Randall Newsome (Ret.) is an accomplished neutral with JAMS who is best known for his intelligent and pragmatic approach to resolving complex bankruptcy matters. In addition to settling numerous bankruptcy cases as a neutral, he also successfully served as a mediator in more than 200 cases during his 28 years of experience as a bankruptcy and settlement judge. He has handled both local and national matters involving complex bankruptcy and commercial issues, including claims of breach of contract, nondischargeability, fraudulent transfer suits, mortgage fraud, and lender liability. Judge Newsome has a unique ability to evaluate and facilitate appropriate resolution in bankruptcy cases involving parties with continuing business relationships. Judge Newsome has been lauded as being uniquely qualified to bring resolution to highly contested bankruptcy cases involving multiple parties and complex underlying financial issues.

Most recently, before joining JAMS, Judge Newsome was Chief Judge of the United States Bankruptcy Court, Northern District of California. He was reappointed to a 14-year term as a bankruptcy judge in Cincinnati in 1986. He applied for and was appointed to another 14-year term in the Northern District of California in Oakland in June 1988, and was reappointed in June 2002. He became chief judge of the Northern District of California in January 2004. He has served as a visiting judge in the Central District of California, the Western District of Washington, the District of Nevada, and the District of Arizona. Between 2001 and 2003 he was a visiting judge in the District of Delaware.

Representative Matters

- Successfully mediated fraudulent transfer against a merchant who sold busses to a bus company, but was paid out of a Ponzi scheme
- Successfully mediated trustee's fraudulent transfer claims against any investors who were "net gainers" in a Ponzi scheme



- Pursuant to a court appointment, mediated a number of disputes leading to a proposed global settlement in a healthcare bankruptcy involving multiple parties, including the State of California and the United States. Successful three-day mediation among secured creditors, administrative claimants, state and federal governmental entities, and labor unions regarding a hospital in chapter 11.
- Successfully mediated a case that involved a post-confirmation claim to enforce a prepetition option to purchase included in a prepetition lease of commercial premises that was assumed during the bankruptcy.
- Successfully mediated long standing dispute between a reorganized chapter 11 debtor and a former landlord regarding the validity of a lease with an option to purchase. Long-standing dispute (having been subject to six mediation and arbitration proceedings) regarding a failed real estate developer in chapter 11 and various disputes with secured creditors.
- Resolved a single asset real estate bankruptcy dispute involving a building in downtown Los Angeles that was in the process of being converted into luxury condos. The dispute was between a group of banks that hold a deed of trust on the building and the debtor.
- Resolved a dispute involving 70 restaurant franchises that were assets in two chapter 11 cases in which a trustee had been appointed. The trustee and the principal lender for the chapter 11 entities were embroiled in a dispute over how much money the lender should receive as a result of the sale of the restaurants.
- Successfully mediated an asbestos bankruptcy that involved the employment agreements of two officers of the company. The dispute centered on whether they should be required to disgorge compensation and what their future compensation should be.
- Mediated a lawsuit involving a failed law firm alleging breach of contract against a former client of the firm for failure to pay a contingency fee that may (or may not) have come due. The client counterclaimed alleging that the failed law firm had breached its fiduciary duties to the client and misled the client as to the firm's financial condition.
- This lawsuit alleged fraudulent transfers against departing shareholders of a failed law firm, and recovery under *Jewel v. Boxer* against the new firm of the departed shareholders
- Most notable bankruptcy mediation as a judge was in the Chapter 11 case of Pacific Gas & Electric Company. After three months of effort, the debtor and the California Public Utilities Commission reached a resolution of their disputes, thereby allowing the confirmation of a plan of reorganization.
- Mediated to settlement a dispute over the issuance of a bankruptcy discharge to a well known music personality
- Mediated to settlement a dispute in a restaurant bankruptcy between the unsecured creditors committee and the debtor's lender involving lender liability (among other issues)
- Mediated to settlement a contract dispute between a convention center in a major metropolitan area and a telecommunications provider that was in a chapter 11 proceeding
- For an entertainment company, mediated hundreds of millions of dollars in disputes involving dozens of secured creditors, two creditors' committees and the debtor. The agreements reached provided the framework for a consensual chapter 11 plan that ultimately was confirmed.
- Handled a dispute involving allegations of fraudulent transfer arising out of an asset purchase agreement in which the trustee alleged that the defendant paid less than reasonably equivalent value
- Mediated contract negotiations resulting in a new collective bargaining agreement between the debtor and a union
- Mediated to settlement a dischargeability action involving a sexual harassment claim
- Mediated a dispute that arose out of the bankruptcy of a law firm involving allegations of fraudulent transfers against another law firm which had acquired all of the assets of some of the bankrupt law firm's offices following failed merger discussions
- Mediated a dispute between the debtor, a jewelry company, and a hedge fund, which was the jewelry company's largest creditor. Resolution of this dispute, which involved claims of abuse of common control by a holding company largely owned by the hedge fund, enabled the parties to reach a consensual plan of reorganization
- Mediated a creditor trustee's objection for amounts allegedly due as an investment banking fee
- Mediated a number of non-dischargeability and fraudulent transfer suits in a large case involving mortgage fraud
- Mediated a breach of contract matter between a debtor and investment company where the parties had entered into a settlement agreement regarding the sale of real property in Hawaii and that agreement then became the subject of a partially-completed arbitration
- Settled fraudulent transfer claims throughout numerous mediation sessions with various groups of former shareholders of a failed San Francisco based law firm
- Mediated to settlement a long-pending suit by a Chapter 11 trustee of a mortgage company against its



former principal on numerous theories, including breach of contract, fraudulent transfer, corporate looting and Washington state law

Honors, Memberships, and Professional Activities

- Registered Mediator, United States Bankruptcy Court for the Southern District of New York
- President, subsequent to being Vice-President, National Conference of Bankruptcy Judges
- Fellow, American College of Bankruptcy
- Member, American Law Institute
- Lecturer, Federal Judicial Center, since 1986
- Taught principles of bankruptcy jurisdiction to newly-appointed U.S. District Judges since 1994
- Regularly serves on educational programs for the Federal Judicial Center, ALI-ABA, the National Conference of Bankruptcy Judges, Practising Law Institute, American Bankruptcy Institute, Midwest Bankruptcy Institute, American Insolvency and Restructuring Advisors, and others

Background and Education

- Appointed Chief Bankruptcy Judge, United States Bankruptcy Court, Northern District of California, 2004–2010
- Judge, United States Bankruptcy Court, Northern District of California, 1988-2003
- Judge, United States Bankruptcy Court, Southern District of Ohio, 1982-1988
- Lawyer, Dinsmore & Shohl, Cincinnati, OH, 1978-1982
- J.D., University of Cincinnati College of Law, 1975
- B.A., *summa cum laude*, Boston University, 1972

General Biography

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Gerald E. Rosen, Retired
Chief Judge, US District
Court for the Eastern District
of Michigan

Biography

Gerald E. Rosen, Retired Chief Judge, US District Court for the Eastern District of Michigan, joined JAMS in 2017 following 26 years of distinguished service on the federal bench. Since coming to JAMS, the Judge's practice has focused on mediation, arbitration, and neutral evaluation of complex business/commercial disputes, Multi-District Litigation (MDL) and class action matters, False Claims Act litigation, as well as anti-trust and consumer cases. While on the bench, Mr. Rosen had wide experience in facilitating settlements. Notably, he served as the Chief Judicial Mediator for the Detroit Bankruptcy case—the largest, most complex municipal bankruptcy in our nation's history—which resulted in an agreed upon, consensual plan of adjustment in just 17 months. Prior to taking the bench, Mr. Rosen was a Senior Partner at the law firm of Miller, Canfield, Paddock and Stone where he was a trial lawyer specializing in commercial, employment and constitutional litigation.

ADR Experience and Qualifications

Mr. Rosen has extensive experience in the resolution of complex disputes in the following areas:

- Antitrust
- Bankruptcy (Municipal)
- Business/Commercial
- Class Action/Mass Tort
- Employment/FMLA
- Civil Rights/§1983
- Intellectual Property
- Real Property
- Securities
- Special Master/Discovery Referee



Representative Matters

- **Antitrust**
 - *Cason-Merenda v. Detroit Medical Center*, No. 06-15601 (Nurse wage case)
 - *In re Northwest Airlines Corp., et al.*, Antitrust Litigation, No. 96-74711 (Hidden-city ticketing case)
- **Arbitration**
 - *Quixtar Inc. v. Brady*, No. 08-14346, and *Amway Global v. Woodward*, No. 09-12946 (Addressing arbitrability of disputes and confirmation of arbitrator's award)
- **Bankruptcy**
 - *In re: City of Detroit* (Chapter 9 municipal bankruptcy)
 - *United States v. City of Detroit* (Detroit water and sewer case) (Mediated settlements)
- **Class Action/Mass Tort**
 - *Tankersley v. Ameritech Publishing, Inc.* (FLSA collective action and Rule 23 class action)
 - *Marquis v. Tecumseh Products Co.*, No. 99-75971 (Class action alleging sexual harassment at manufacturing plant)
 - *In re Rio Hair Naturalizer Products*, MDL 1055 (Multi-district product liability action)
- **Employment/FMLA**
 - *Redd v. Brotherhood of Maintenance of Way Employees Division of International Brotherhood of Teamsters*, No. 08-11457 (ERISA)
- **Civil Rights/§1983**
 - *Cheolas v. City of Harper Woods*, No. 06-11885 (Police raid of party with underage drinking)
 - *Flagg v. City of Detroit*, No. 05-74253 (Tamara Greene case)
- **Intellectual Property**
 - *I.E.E. International Electronics & Engineering, S.A. v. TK Holdings Inc.*, No. 10-13487 (Vehicle occupant sensors patent)
 - *Lear Automotive Dearborn, Inc. v. Johnson Controls, Inc.*, No. 04-73461 (Remote-control garage door opener patent)
- **Real Property**
 - *United States v. Certain Land Situated in the City of Detroit* (Detroit International Bridge land condemnation case)
- **Securities**
 - *In re General Motors Corp. Securities and Derivative Litigation*, MDL No. 06-1749
 - *In re Collins & Aikman Corp. Securities Litigation*, No. 03-71173
 - *In re: Delphi Corporation Securities, Derivative & "ERISA" Litigation*, MDL 1725 (Multi-district securities fraud/ERISA action)

Honors, Memberships, and Professional Activities

- Widely published on a wide range of topics including, civil procedure, evidence, due process, criminal law, labor law and legal advertising, including:
 - Co-Author, *Federal Civil Trials and Evidence*, The Rutter Group Practice Guide, 1999-Present
 - Co-Author, *Federal Employment Litigation*, The Rutter Group Practice Guide, 2006-2016
 - Co-Author, *Michigan Civil Trials and Evidence*, The Rutter Group Michigan Practice Guide, 2008-2016
 - Contributing Editor, *Federal Civil Procedure Before Trial*, The Rutter Group Practice Guide, 2008-2016
- Co-Chair, Judicial Evaluation Committee for the U.S. District Court for the Eastern District of Michigan, 1983-1988
- Adjunct Professor, Evidence:
 - University of Michigan Law School, 2008
 - Wayne State University Law School, 1992-Present
 - University of Detroit-Mercy Law School, 1994-1996
 - Thomas M. Cooley Law School, 2004-2013
- U.S. Representative, United States Department of State's Rule of Law Program in Moscow, Russia; Tbilisi, Georgia; Beijing, China; Cairo, Egypt, Hebrew University (Jerusalem); and Malta
- Judicial Consultant, United States Departments of State and Justice missions to Thailand and the Ukraine
- Member, Sixth Circuit Judicial Council, 2009-2015



- Member, Board of Directors, Federal Judges Association, 1996-2002
- Member on the Board of Directors of several charitable organizations, including: Focus: HOPE; the Detroit Symphony Orchestra; the Community Foundation of Southeastern Michigan and the Michigan Chapter of the Federalist Society
- Member, Board of Advisors, George Washington University Law School, 2005-Present
- Member, U.S. Judicial Conference, Committee on Criminal Law, 1995-2001
- Founding Member, Michigan Intellectual Property Inn of Court

Selected Articles About the Detroit Bankruptcy

- *Howes: Detroit Bankruptcy Kudos Widely Shared*, Detroit News, February 26, 2015.
- *Detroit Bankruptcy Shows Mediation Can Get the Job Done*, Detroit Free Press, January 18, 2015.
- *Detroit Bankruptcy Pros Write Off Millions in Fees*, Detroit Free Press, December 11, 2014.
- *How Detroit Was Reborn*, Detroit Free Press, Special Section, November 9, 2014.
- *Judge, A Mediator in Bankruptcy, Sees Hope for Detroit*, Detroit Free Press, November 9, 2014.
- *Finding \$816 Million, and Fast, to Save Detroit*, The New York Times, November 7, 2014.
- *Judge Rosen's Tough Tack on Creditors Helped Speed Detroit Bankruptcy Case*, Crain's Detroit Business, November 6, 2014.
- *Mediator in Detroit Bankruptcy Walks Fine Line Between City, Creditors*, The Wall Street Journal, February 14, 2014.
- *How Mediation Has Put Detroit Bankruptcy on the Road to Resolution*, Detroit Free Press, February 2, 2014.
- *Detroit Emerges From Nation's Largest Municipal Bankruptcy*, Los Angeles Times, November 10, 2014.

Background and Education

- United States District Judge, Eastern District of Michigan (Detroit), 1990-2017
 - Chief Judge, 2009-2015
 - Judge by Designation, United States Court of Appeals for the Sixth Circuit, Repeated Appointments
- Senior Partner, Miller, Canfield, Paddock and Stone, specializing in commercial, employment, real property, and constitutional litigation, 1979-1990
- J.D., George Washington University Law School, 1979
- Legislative Assistant, United States Senate, Sen. Robert P. Griffin (R-MI), 1974-1979
- B.A., Senior Fellow, Political Science Kalamazoo College, 1973

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Exhibit C: Former United States
District Judges and Magistrate Judges

Hon. Wayne R. Andersen (Ret.)

Hon. Ted E. Bandstra (Ret.)

Hon. Stanley F. Birch (Ret.)

Hon. Thomas M. Blewitt (Ret.)

Hon. Edward A. Bobrick (Ret.)

Hon. Wayne D. Brazil (Ret.)

Hon. Bill H. Brister (Ret.)

Hon. Garrett E. Brown (Ret.)

Hon. Geraldine Brown (Ret.)

Hon. Rosalyn Chapman (Ret.)

Hon. Charles N. Clevert (Ret.)

Hon. David H. Coar (Ret.)

Hon. William G. Connelly (Ret.)

Hon. Frank C. Damrell (Ret.)

Hon. Morton Denlow (Ret.)

Hon. Michael H. Dolinger (Ret.)

Hon. William F. Downes (Ret.)

Hon. Robert Faulkner (Ret.)

Hon. Joan N. Feeney (Ret.)

Hon. James "Jay" C. Francis (Ret.)

Hon. Jay C. Gandhi (Ret.)

Hon. Irma E. Gonzalez (Ret.)

Hon. Stephen E. Haberfeld (Ret.)

Hon. David Warner Hagen (Ret.)

Hon. Rex Heeseman (Ret.)

Hon. Carl W. Hoffman (Ret.)

Hon. James F. Holderman (Ret.)

Hon. Roger T. Hughes (Ret.)

Hon. John J. Hughes (Ret.)

Hon. Edward A. Infante (Ret.)

Hon. Jeff Kaplan (Ret.)

Hon. Theodore H. Katz (Ret.)

Hon. Arlander Keys (Ret.)

Hon. George H. King (Ret.)

Hon. Elizabeth D. Laporte (Ret.)

Hon. Lawrence R. Leavitt (Ret.)

Hon. Peggy A. Leen (Ret.)

Hon. Benson Everett Legg (Ret.)

Hon. John C. Lifland (Ret.)

Hon. Frank Maas (Ret.)



Hon. Michael T. Mason (Ret.)

Hon. Donald G. Wilkerson (Ret.)

Hon. James R. Melinson (Ret.)

[Individual biographies for the listed retired
judges can be found on the JAMS website [here](#).]

Hon. Carlos R. Moreno (Ret.)

Hon. Margaret A. Nagle (Ret.)

Hon. Randall J. Newsome (Ret.)

Hon. S. James Otero (Ret.)

Hon. Henry Pitman (Ret.)

Hon. Philip M. Pro (Ret.)

Hon. Michael J. Reagan (Ret.)

Hon. Kathleen A. Roberts (Ret.)

Hon. Gerald E. Rosen (Ret.)

Hon. James M. Rosenbaum (Ret.)

Hon. Sidney I. Schenkier (Ret.)

Hon. Michael H. Schneider (Ret.)

Hon. Gregory M. Sleet (Ret.)

Hon. Frederic N. Smalkin (Ret.)

Hon. Charles B. Swartwood (Ret.)

Hon. Janice M. Symchych (Ret.)

Hon. Deanell Reece Tacha (Ret.)

Hon. Gary L. Taylor (Ret.)

Hon. Dickran M. Tevrizian (Ret.)

Hon. Ricardo M. Urbina (Ret.)

Hon. James Ware (Ret.)

Hon. Diane M. Welsh (Ret.)



Exhibit D: Spanish-Speaking
Arbitrators

Depending on any applicable requirements or the preferences of the parties, JAMS can supply arbitrators who are able to conduct arbitrations in Spanish or English.

Spanish-speaking arbitrators:



Mercedes Armas Bach (Retired Judge 11th Judicial Circuit):

Ms. Bach can hear testimony in Spanish and manage Spanish speaking witnesses, review documents, briefs, etc. in Spanish, and conduct an arbitration hearing in Spanish. She can also write an award in Spanish if a law clerk can be used.

As a retired Judge 11th Circuit, Ms. Bach has extensive experience mediating complex civil disputes and is well regarded for her fairness, diligence, and efficiency in handling a wide variety of matters including business/commercial, construction, employment, family law, insurance, intellectual property, personal injury, professional liability, and real property actions.

Ms. Bach brings to her ADR practice at JAMS 17 years of experience from serving on the Florida Courts in Dade County and 13 years in private law practice. A veteran mediator, Ms. Bach puts disputing parties at ease with her calm demeanor and warm disposition to effect settlements. She is a Certified Civil Mediator with the Florida Supreme Court and is trained in mortgage foreclosure mediation.

Arbitration is also a key element of Ms. Bach's practice area.



Hon. Ariel E. Belen (Ret.):

Judge Belen can hear testimony in Spanish and manage Spanish speaking witnesses, review documents, briefs, etc. in Spanish, conduct an arbitration hearing in Spanish, and write an award in Spanish.

Hon. Ariel E. Belen (Ret.), FCI Arb joined JAMS in 2012 and serves as an arbitrator and mediator in complex domestic and international disputes spanning a wide array of practice areas. During his nearly eighteen-year tenure on the bench he served as an Associate Justice of the Appellate Division, Second Department and as Administrative Judge of the Supreme Court, Kings County (Brooklyn). Judge Belen also helped create and presided over the Commercial Division in Brooklyn. Judge Belen has earned a reputation as a calm, intelligent, fair, and hardworking professional while facing the many complicated issues that may arise in a dispute.

Judge Belen is a highly experienced international mediator and arbitrator. He can effectively communicate with Spanish speaking litigants and clients. Judge Belen is a popular international speaker and trainer for ADR. He has presented at ADR training programs for judges, attorneys, and business leaders in Guatemala, Puerto Rico and Mexico. Judge Belen is a fellow of the Chartered Institute of Arbitrators, a member of the Advisory Council of the CPR International Institute for Conflict Prevention and Resolution, and a member of the International Mediation Institute. Judge Belen is a member of the Board of Advisors of the Scheinman Institute on Conflict Resolution of the Cornell University School of Industrial and Labor Relations.

Judge Belen is often retained as a special master in complex commercial and civil matters. He was appointed as the Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v.*



City of New York, 959 F. Supp. 2d 668 (SDNY 2013). In this program, Judge Belen was charged with assisting the City of New York and its residents with developing sustainable reforms to the stop and frisk and trespass enforcement practices of the New York City Police Department through a community based civic engagement process. Judge Belen filed his Final Report and Recommendations with the Southern District of New York in May 2018.

Judge Belen co-authored *New York Trial Notebook*, (James Publishing, 2008), supplemented annually, an 850- page comprehensive practice treatise for the trial of a civil case in New York.

Judge Belen was born in Puerto Rico and has spent time there throughout his adult life despite moving from Puerto Rico in his childhood. He is also on the Southern District of New York Bankruptcy Mediation Panel.



Hon. Lynn Duryee (Ret.):

Judge Duryee can hear testimony in Spanish and manage Spanish speaking witnesses, review documents, briefs, etc. in Spanish, and conduct an arbitration hearing in Spanish. She can also write an award in Spanish if a law clerk can be used.

Judge Duryee has specialized in settling thorny legal disputes throughout her career, first as a trial court judge for 21 years, and now at JAMS as a full-time Neutral. She is known for her practical, personal, and get-it-done approach to settlement. Her deep experience in the law as well as her dedication to resolving disputes make her an excellent choice as a neutral.



As a Superior Court judge in Marin County, California, Judge Duryee resolved thousands of commercial, contract, and negligence cases. During her tenure as the supervising family law judge, she settled hundreds of high-conflict, high emotion cases and eliminated 100% of the court's backlog by instituting settlement programs where trained attorneys and therapists assisted the court in settlement conferences.

Outside of her duties at court, Judge Duryee has taught hundreds of courses to judges throughout California in all aspects of trial, evidence, ethics, and dispute resolution. She served as Dean of the B.E. Witkin Judicial College. Along with attorney Matt White, she co-wrote *Mastering Mediation: 50 Essential Tools for the Advanced Practitioner* (ThompsonReuters, 2012). Currently, she teaches Civil Procedure as a Visiting Professor at University of San Francisco School of Law.



Hon. David A. Garcia (Ret.):

Judge Garcia can hear testimony in Spanish and manage Spanish speaking witnesses, review documents, briefs, etc. in Spanish, conduct an arbitration hearing in Spanish, and write an award in Spanish.

Hon. David A. Garcia (Ret.), who has served 20 distinguished years on San Francisco's municipal and superior courts, is recognized as one of the best law and motion judges in the San Francisco Bay Area. He is well known for his energy, intelligence, and thoughtful decision-making. As a law and motion judge in the San Francisco Superior Court for seven years, Judge Garcia resolved thousands of pretrial motions including pleading and summary judgment matters.



In addition to civil, family law, and criminal matters, Judge Garcia presided over numerous settlement hearings involving employment, real estate, business/commercial, insurance contract, civil rights, landlord tenant, personal injury, products liability, medical malpractice, and legal malpractice with the vast majority of cases settling.



Cristina Pereyra-Alvarez (Retired Judge 11th Judicial Circuit):

Mrs. Pereyra-Alvarez can hear testimony in Spanish and manage Spanish speaking witnesses, review documents, briefs, etc. in Spanish, conduct an arbitration hearing in Spanish, and write an award in Spanish.

Cristina Pereyra-Alvarez, retired Judge 11th Judicial Circuit, joins the JAMS panel after an exemplary career as a lawyer, judge, and legal journalist. Mrs. Pereyra-Alvarez's extensive knowledge of the law and rich cultural background positions her to serve as an effective and informed mediator and arbitrator. Born in Tampa, Florida, Mrs. Pereyra-Alvarez grew up in Mexico where she earned her first law degree from Universidad Anahuac in Mexico City. Upon returning to the United States, she earned a second law degree from the University of Miami School of Law. After a distinguished career as an assistant public defender in the 11th Judicial Circuit, Mrs. Pereyra-Alvarez became a Miami-Dade County Court Judge in the 11th Judicial Circuit. In 2005, she was appointed as a Circuit Court Judge by former Governor Jeb Bush.

In 2007, Mrs. Pereyra-Alvarez retired from the bench to preside on the first national Spanish language court reality program "Veredicto Final" (Final Verdict). In 2011, she became Univision's in-house legal correspondent.



Mrs. Pereyra-Alvarez has spent time in Puerto Rico and knows it well, and has conducted arbitrations by videoconference in matters with parties in Puerto Rico.



Joe Tirado:

Joe Tirado can hear testimony in Spanish and manage Spanish speaking witnesses, review documents, briefs, etc. in Spanish, conduct an arbitration hearing in Spanish, and write an award in Spanish.

Joe Tirado has close to 30 years of dispute resolution experience and has handled hundreds of cases across a broad range of industry sectors as counsel, arbitrator, mediator, and expert determiner in over 60 jurisdictions worldwide. Joe is Co-Head of International Arbitration and ADR at leading Spanish and Latin American firm, Garrigues.

Joe has occupied global leadership positions in the leading firms from four major jurisdictions, including the UK, US and Spain. Prior to joining Garrigues, Joe was also a partner and Global Co-Chair of International Arbitration at Winston & Strawn LLP from 2012 to 2016. Prior to that, Joe was partner and Head/Co-Head of International Arbitration and ADR at Norton Rose LLP (now Norton Rose Fulbright LLP) from 2007 to 2012. He was also partner (2004-2007) and senior associate (2000-2003) at Baker Botts LLP. Joe was an associate at Lovells (now Hogan Lovells LLP), and DLA (now DLA Piper LLP) having trained at Boodle Hatfield.

Joe has represented sovereign governments, multi-national corporations and high net worth individuals. He has handled high value cases in a number of sectors and industries including banking and finance; commodities; construction and engineering; energy (oil & gas, renewable and power generation); food



and beverage; information and communication technology (ICT); mining; petrochemical; pharmaceutical; professional services; sport; transport (automobile, aviation and shipping) and travel.

Joe has also conducted and advised on international commercial and investment arbitration under all the major international arbitration rules before the leading international arbitration institutions as well as “pure” ad hoc and UNCITRAL arbitration. He is a solicitor-advocate with full rights of audience before all civil courts, an accredited mediator, an ICSID conciliator and panel member of a number of leading arbitration and mediation panels.

Joe writes extensively and presents regularly on international arbitration and ADR at major international conferences, symposia, and seminars and prominent universities around the world. He is also actively involved in arbitral and mediation institutions and prestigious international arbitration and ADR associations and committees.

Arbitrations conducted in English

Our total neutral panel includes over 400 English-speaking full-time arbitrators. JAMS is able to work with counsel to establish and scale a panel of suitable arbitrators depending on the number of matters that proceed to arbitration under the approved alternative dispute resolution procedures.



Exhibit E: Awards and Accolades

Award-Winning Service

JAMS consistently draws accolades from the legal and business industries, as evidenced from the following awards bestowed in the last several years alone:

2020

- ***Twelve JAMS Neutrals Ranked in Chambers USA 2020 Guide:*** JAMS neutrals recognized in three categories in the 2020 edition of Chambers USA.
- ***Five JAMS Neutrals Recognized in Who's Who Legal:*** JAMS neutrals recognized for achievements and commitment to advancing ADR in construction disputes.
- ***Nine JAMS Panelists Named 2020 Southern California Super Lawyers:*** JAMS neutrals recognized for extraordinary work and accomplishments in 2020 Southern California Super Lawyer.
- ***U.S. News and Best Lawyers Survey:*** JAMS Receives 18 Top-Tier ADR Firm Rankings in 2020 for mediation and arbitration services in the 2020 U.S. News & World Report and Best Lawyers rankings of legal services nationwide.

2019

- ***Texas Lawyer's "Best Of" Survey:*** Two JAMS Texas cities named Best ADR Provider and Best Online Provider. Dallas, for the eighth consecutive year, received first place for Best ADR Provider and Houston placed first, in the same category, nonconsecutively in four years. Both cities placed first for Best Online ADR Provider.
- ***Who's Who Legal:*** 22 neutrals and Ranse Howell, director of international operations, receive recognition in *Who's Who Legal: Mediation*.
- ***Super Lawyers (New York Metro area):*** Nine JAMS Panelists are recognized in three categories: Alternative Dispute Resolution, Employment & Labor, and Intellectual Property. Peter H. Woodin, Esq. is recognized on the publication's Ten Year List.
- ***Legal Intelligencer Survey:*** JAMS is rated as "Top ADR Provider" by online publication. In addition, two JAMS neutrals are recognized as "Best Individual Mediator".
- ***Best Lawyers:*** Five JAMS Panelists recognized as "Lawyers of the Year" and 59 JAMS Panelists as "Best Lawyers in America" for 2020.
- ***Super Lawyers (Northern California):*** 12 JAMS neutrals are recognized in 2019 Northern California Super Lawyers List in the ADR category.
- ***The Recorder:*** received two honors from *The Recorder*: "Best ADR Provider" for the 13th Year in a Row and Best "Online ADR Resource".
- ***Chambers USA: America's Leading Lawyers for Business:*** 13 JAMS Neutrals are ranked across three categories: nationwide Mediators, Construction: Mediators list for California, and International Arbitration: Arbitrators list.
- ***Super Lawyers (Southern California):*** 11 neutrals selected for the 2019 Southern California Super Lawyer list in the alternative dispute resolution category.

2018



- **Who's Who Legal: Mediation:** JAMS is the leading firm with the highest number of neutrals, 18, featured in *Who's Who Legal*.
- **Michigan Lawyers Weekly:** JAMS is voted Best ADR Provider by *Michigan Lawyers Weekly* in its annual Readers ranking survey.
- **Massachusetts Lawyers Weekly Reader Survey:** JAMS Boston Resolution Center voted Best ADR provider in the *Massachusetts Lawyers Weekly Readers Ranking Survey* for the second year in a row.
- **Connecticut Law Tribune:** JAMS is named Best Overall ADR Provider in publication's "Best of" Survey.
- **Best Lawyers:** Two JAMS panelists are recognized as "Lawyers of the Year" and 57 of its panelists as 2019 "Best Lawyers in America".
- **Legal Intelligencer "Best of" Survey:** JAMS placed first for the ninth consecutive year in a row, in addition to its two neutrals in the "Best Individual Mediator" category.
- **The Recorder Reader Survey:** JAMS is named the top Alternative Dispute resolution provider for the 12th year in a row in the publication's annual "Best of" list.
- **National Law Journal:** 15 JAMS neutrals were recognized as ADR champions for *National Law Journal's* Alternative Dispute Resolution (ADR) Champions List.
- **Chambers USA:** 10 JAMS neutrals were selected for the 2018 edition of *Chambers USA*: America's Leading Lawyers for Business. Eight panelists recognized in the nationwide Mediators and International Arbitration: Arbitrators list and two for the California Construction Mediators list.

2017

- **Best Lawyers:** Eight JAMS Panelists Named Best Lawyers' "Lawyers of the Year;" 53 Panelists Recognized as 2018 Best Lawyers in America.
- **Reader Survey:** JAMS Boston Wins Best ADR Provider.
- **Who's Who Legal:** JAMS Named Mediation Firm of the Year.
- **2017 Experts Guide:** JAMS Panelists Named as Top Commercial Arbitrators.
- **The Recorder:** JAMS named the top Alternative Dispute Resolution provider.
- **US News & World Report:** JAMS Receives 12 Top Tier ADR Firm Rankings.
- **Legal Intelligencer Survey:** JAMS Wins "Top ADR Provider" Eight Years in a Row.
- **National Law Journal and Legal Times:** Seven JAMS Panelists Named 2017 ADR Champions.
- **Chambers USA:** Ten JAMS Panelists Ranked.

2016

- **Best Lawyers:** Five JAMS Panelists Named Best Lawyers "Lawyers of the Year;" 48 JAMS Panelists Recognized as 2017 Best Lawyers in America.
- **D Magazine:** JAMS Dallas Neutrals Selected as 2016 "Best Lawyers".
- **Legal Times:** JAMS Named Best ADR Provider in Washington, D.C. Three Years Running.
- **Who's Who Legal:** JAMS Named Mediation Firm of the Year.
- **Chambers USA:** JAMS Panelists Rank Prominently.



- ***National Law Journal ADR Champions:*** JAMS Panelists Rank Prominently.
- ***Daily Business Review:*** JAMS Places First in the “Best of” Survey Five Years Running.
- ***Texas Lawyer:*** JAMS Places First in the “Best of” Survey.
- ***New Jersey Law Journal:*** JAMS Ranked Best ADR Provider in New Jersey.
- ***The Recorder:*** JAMS Ranks First in Annual “Best of” List.
- ***Legal Intelligence Survey:*** JAMS Rated “TOP ADR Provider” Seven Years Running.
- ***Corporate Counsel:*** JAMS Receives First Place in “Best of” Survey